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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Robindranath Dutta	:	Before the Examiner: Truc T. Chuong
Serial No.: 09/726,269	:	Group Art Unit: 2174
Filed: November 30, 2000	:	
Title: SYSTEM AND METHOD FOR DISPLAYING CONTENT WITHOUT CONTROL ITEMS	:	IBM Corporation IP Law Department Internal Zip 4054 11400 Burnet Road Austin, Texas 78758

SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Supplemental Appeal Brief is being submitted pursuant to 37 C.F.R. § 1.193(b)(2)(ii). Appellant is furnishing herewith three (3) copies of this brief.

I. INCORPORATION BY REFERENCE

Appellant hereby incorporates by reference herein Sections I-V of Appellant's Appeal Brief mailed on February 5, 2004.

CERTIFICATION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 21, 2004.

Toni Stanley
Signature

Toni Stanley
(Printed name of person certifying)

II. ISSUES

(1) Are claims 4-17, 21, and 23-27 properly rejected under 35 U.S.C. § 102 as being anticipated by *May* (U.S. Patent No. 6,614,419) ("*May*")?

(2) Are claims 18-20 and 22 properly rejected under 35 U.S.C. § 103 as being unpatentable over *Ditzik* (U.S. Patent No. 6,064,373) ("*Ditzik*") in view of *May*?

III. GROUPING OF CLAIMS

Claims 4, 5, 9, 13, 14, 19 and 20 form a first group.

Claims 6 and 10 form a second group.

Claims 8 and 12 form a third group.

Claims 7, 11 and 16 form a fourth group.

These groups are to be separately considered.

Claims 17, 18, 22, 23, 24, 25, 26 and 27 should be considered separately. The reasons why the claims of the respective groups and separately considered claims, if any, are separately patentable are found in the argument. 37 C.F.R. § 1.192 (c)(7).

IV. ARGUMENT

(1) Claims 4-17, 21 and 23-27 have been improperly rejected under 35 U.S.C. § 102 as being anticipated by *May*.

For a claim to be anticipated under § 102, each and every element of the claim must be found within the cited prior art reference. The present invention discloses and claims an invention whereby all of the control GUI objects can be removed from being displayed, at the user's option. In such an instance, there are then no control GUI objects displayed to permit the user to manipulate any of the content object. When this occurs, the user is given a hardware input to again display the control GUI objects; otherwise, the user would be unable to manipulate the content.

With respect to claims 4, 9 and 13, and further with respect to all of the rejected claims, *May* does not anticipate the claims, since *May* does not teach the display of control GUI objects in a manner specifically recited within the claims. The soft key labels 82 through 90 are not control GUI objects, but are merely legends printed on a display screen adjacent to hardware controls, such as switches or knobs. Col. 1, lines 20-24. These soft labels are displayed to show the functionality of the hardware control keys 42-50 adjacent the display screen. Col. 12, lines 41-46. These soft labels are not control GUI objects, as that term is commonly known in the art or defined in the Specification. GUI stands for graphical user interface. Nowhere within *May* is it taught or disclosed that such soft labels are graphical user interfaces. Graphical user interfaces, as defined within Newton's Telecom Dictionary, 17th Edition, page 312 (attached), permit manipulation of programs and applications, such as the content object recited in the claims, by using a pointing device. Soft labels 82-90 are not accessible using a pointing device. Such control GUIs are also discussed in the Specification on page 7, lines 2-17. As a result of the foregoing, *May* cannot anticipate claims 4-17, 21 and 23-27.

Regarding claim 6, *May* does not teach or suggest receiving input from the user to set the display option flag indicating the preference for the conventional screen object to be displayed comprising the display of the control GUI objects and the content object, determining the screen object to include the content object and the control GUI objects as a function of the display option flag having a setting indicating the user preference for display of the content object with the control GUI objects, and displaying the screen object on the display device of the data processing system. *May*'s teaching of giving a user the option to set up various action items does not teach the specific claim limitations. Furthermore, in rejecting claim 6, all the Examiner has stated is that claim 6 is a combination of claims 4 and 5, and is thus rejecting claim 6 using the rejections of claims 4 and 5. This is not proper, and fails to prove a *prima facie* case of anticipation in rejecting claim 6, since claim 6 is not merely a combination of claims 4 and 5, but recites further additional steps in the

method recited. For this reason alone, the Examiner has failed to prove a *prima facie* case of anticipation in rejecting claim 6.

With respect to claim 7, the Examiner has merely asserted that claim 7 is similar in scope to claim 16 and therefore rejected under a similar rationale. With respect to the control GUI objects being saved in an excess content object, as recited in claim 7, the Examiner merely asserts that "information and control objects have to be stored somewhere in the system." This merely discloses that the data processing system on which the *May* invention is implemented employs memory for storing data. Nowhere within *May* is it taught or suggested that there is an excess content object set up within the software and that excess content to be covered by the control GUI objects may be saved in such an excess content object when the control GUI objects are added to the screen object. The Examiner cites several passages from *May*. But, they are insufficient to anticipate the reference. There is no teaching in *May* that excess content is stored in an object when it is displaced by GUI objects. The Examiner can cite all kinds of language about how a user can select options in *May*, but none of this will teach the claim limitations. Since the Examiner's burden for proving a case of anticipation is that each and every limitation must be found within the cited prior art reference, the Examiner has failed to prove a *prima facie* case of anticipation by merely asserting that *May* shows such limitations without describing exactly how.

Regarding claim 8, the Examiner has merely asserted that claim 8 can be rejected under a similar rationale as claim 16 above. This is insufficient to prove a *prima facie* case of anticipation. The Examiner must specifically address the limitations of claim 8 separately from claim 16.

In rejecting claim 23, the Examiner has merely asserted that it is rejected for the same reasons as claim 13 were rejected. This is insufficient to prove a *prima facie* case of anticipation, since claim 23 recites different limitations than claim 13. More specifically, claim 23 recites that when none of the control GUI objects are displayed with the content object, there are no user-selectable GUI objects displayed on the

display that would prevent the user to manipulate the content object. Nowhere within *May* is this taught or suggested.

With respect to claim 24, nowhere within *May* is it taught or suggested wherein a display option flag can be set to indicate a user preference for display of the content object with no control GUI objects being displayed.

With respect to claim 25, nowhere does *May* teach or suggest a hardware input in communication with the screen object that permits selection by the user to display the control GUI objects when they have previously not been displayed with the content object. Applicant's arguments above with respect to claim 17 are incorporated by reference herein.

With respect to claim 27, the Examiner has merely asserted that it is rejected for the same reasons as given above with respect to claim 1. This is insufficient to prove a *prima facie* case of anticipation, since claim 27 recites limitations different than recited within claim 1.

(2) Claims 18-20 and 22 have been improperly rejected under 35 U.S.C. § 103 as being unpatentable over *Ditzik* in view of *May*.

All *Ditzik* teaches is a desktop computer with an adjustable flat panel screen. There is no motivation to combine *Ditzik* with *May* except for the Examiner's unsupported opinion that it would have been obvious at the time of the invention for a person with ordinary skill in the art to use the display of *May* in *Ditzik's* PDA to provide navigational control features to the PDA user. This is insufficient to support a *prima facie* case of obviousness, since it is solely the Examiner's subjective opinion that is supporting such a motivation to combine the references.

Furthermore, Applicants provide on pages 1 and 2 of the Specification the reason that such portable devices need an invention as recited within the present claims, since there is limited display real estate for showing the content, and control GUIs will take up such valuable real estate. The present invention provides a unique advantage in that it permits a user to press a hardware button or use their stylus pen to toggle the content being displayed on such a device between a state where only the

content is displayed to the user without any control GUIs to manipulate such a content, and one where the GUI objects are displayed. The applications cited in both *May* and *Ditzik* do not provide a motivation to display content without control GUIs. Col. 6, line 67 - col. 7, line 2 in *Ditzik* does not teach use of *Ditzik's* invention in a PDA, etc. This merely discloses that displays can include processors, etc. In other words, one skilled in the art at the time the invention was made would have looked at *May* and *Ditzik*, and would not have been motivated to program these systems to remove all control GUIs from being displayed, since there is ample space on the display to show such control GUIs.

With respect to claim 18, the Examiner has not in any way specifically addressed the claim limitation wherein the display option flag is reset for the preference that the conventional screen be displayed by receipt of a Ronomatic action on the display by a user with a stylus. As a result, the Examiner has failed to prove a *prima facie* case of obviousness since the Examiner has failed to address this claim limitation.

With respect to claim 22, the Examiner has failed to recite a reference that teaches a wireless communications device operating the system of claim 14.

Respectfully submitted,
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APPENDIX

4. In a data processing system, a method comprising the steps of:

in an application program, determining control GUI objects and a content object;

determining if a user has set a display option flag indicating a preference for either a conventional screen object to be displayed comprising a display of the control GUI objects and the content object or an unconventional screen object to be displayed comprising a display of the content object but not any of the control GUI objects; and

determining the screen object to include the content object but not any of the control GUI objects as a function of the display option flag having a setting indicating a user preference for display of the content object without any of the control GUI objects.

5. The method as recited in claim 4, further comprising the step of displaying the screen object on a display device of the data processing system.

6. The method as recited in claim 5, further comprising the steps of:

receiving input from the user to set the display option flag indicating the preference for the conventional screen object to be displayed comprising the display of the control GUI objects and the content object;

determining the screen object to include the content object and the control GUI objects as a function of the display option flag having a setting indicating the user preference for display of the content object with the control GUI objects; and

displaying the screen object on the display device of the data processing system.

7. The method as recited in claim 6, wherein if the display option flag is set to indicate a preference for the conventional screen object then the control GUI

objects are added to the screen object and excess content to be covered by the control GUI objects is saved in an excess content object.

8. The method as recited in claim 7, wherein if the display option flag is set to indicate a preference for the unconventional screen object then the control GUI objects are eliminated from the screen object and the excess content object is included in the screen object.

9. A computer program product adaptable for storage on a computer readable means, wherein the computer program product comprises an application program that comprises the program steps of:

determining control GUI objects and a content object;

determining if a display option flag has been set indicating a preference for either a conventional screen object to be displayed comprising a display of the control GUI objects and the content object or an unconventional screen object to be displayed comprising a display of the content object but not any of the control GUI objects; and

determining the screen object to include the content object but not any of the control GUI objects as a function of the display option flag having a setting indicating a preference for display of the content object without any of the control GUI objects.

10. The computer program product as recited in claim 9, further comprising the program steps of:

determining that the display option flag has been reset to indicate the preference for the conventional screen object to be displayed comprising the display of the control GUI objects and the content object; and

determining the screen object to include the content object and the control GUI objects as a function of the reset display option flag having a setting

indicating the preference for display of the content object with the control GUI objects.

11. The computer program product as recited in claim 10, wherein if the display option flag is set to indicate the preference for the conventional screen object then the control GUI objects are added to the screen object and excess content to be covered by the control GUI objects is saved in an excess content object.

12. The computer program product as recited in claim 11, wherein if the display option flag is set to indicate the preference for the unconventional screen object then the control GUI objects are eliminated from the screen object and the excess content object is included in the screen object.

13. A data processing system comprising:

a processor;

a display coupled to the processor;

a memory storing an application program further comprising:

a screen object that is then displayed on the display;

a content object;

a control GUI object;

a display option flag; and

a screen state changing program for determining whether the screen object will include only the content object without any control GUI object as a function of the display option flag.

14. The system as recited in claim 13, wherein the screen state changing program will determine the screen object to include only the content object without any control GUI object when the display option flag has been determined to be set for a preference that an unconventional screen be displayed whereby the content is displayed and no control GUIs are displayed on the display.

15. The system as recited in claim 14, wherein the display option flag is settable by input from a user of the data processing system.

16. The system as recited in claim 15, wherein when the display option flag is reset for a preference that a conventional screen be displayed on the display whereby the content and the control GUIs are displayed, then the screen state changing program will determine that the screen object will include the content object and the control GUI object, any of the control object displaced by the control GUI object will be stored into an excess content object.

17. The system as recited in claim 16, wherein the display option flag is reset for the preference that the conventional screen be displayed by receipt of a user selection of a hardware button on the system.

18. The system as recited in claim 16, wherein the display option flag is reset for the preference that the conventional screen be displayed by receipt of a Ronomatic action on the display by a user with a stylus.

19. The system as recited in claim 14, wherein the data processing system is a PDA.

20. The system as recited in claim 14, wherein the data processing system is a laptop computer

21. The system as recited in claim 14, wherein the data processing system is a desktop computer

22. The system as recited in claim 14, wherein the data processing system is a wireless communications device.

23. A data processing apparatus comprising;

a processor;

a display coupled to the processor;

a memory storing an application program further comprising:

a content object for displaying content to a user of the apparatus;

control GUI objects for permitting a user of the apparatus to manipulate the content displayed by the content object; and

a screen object for permitting the user to select whether to display either some or all of the control GUI objects along with the content object or none of the control GUI objects with the content object, wherein when none of the control GUI objects are displayed with the content object, there are no user-selectable GUI objects displayed on the display that would permit the user to manipulate the content object.

24. The method as recited in claim 23, wherein a display option flag can be set to indicate a user preference for display of the content object with no control GUI objects being displayed.

25. The apparatus as recited in claim 23, further comprising a hardware input in communication with the screen object that permits selection by the user to display the control GUI objects when they have previously not been displayed with the content object.

26. The apparatus of claim 23, wherein control GUI objects include displayed objects permitting the user access to data or databases.

27. A method of using a software application comprising the steps of:

displaying a content object on a display of a data processing system apparatus, the content object displaying content associated with the software application;

displaying one or more control GUI objects on the display concurrently with the displayed content object, the one or more control GUI objects providing an interface to permit a user of the apparatus to manipulate the content:

receiving an input as a result of a hardware selection by the user, wherein the input operates to remove all of the one or more control GUI objects from being displayed on the display concurrently with the displayed content object so that there are no control GUI objects being displayed, and so that display pixels that had previously been displaying the one or more control GUI objects now display previously undisplayed content object to add to the already displayed content object; and

receiving another input as a result of a hardware selection by the user, wherein the another input operates to again display the one or more control GUI objects concurrently with the content object in a manner so that the previously undisplayed content object is removed from being displayed.